

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Richmond Division

RODNEY K. ADAMS, *et al.*,

Appellants,

v.

**LYNN L. TAVENNER, *as Chapter 7
Trustee,***

Appellee.

Civil No. 3:22-cv-237-DJN

In re:

LeClairRyan, PLLC,

Debtor.

Case No. 19-34574-KRH

Chapter 7

STATUS REPORT

Gary D. LeClair (“**Mr. LeClair**”), by and through counsel, hereby files this Status Report in accordance with the Court’s Memorandum Order (ECF No. 30), and state as follows:

1. Following the Bankruptcy Court’s July 27, 2023 hearing, Mr. LeClair along with Lynn L. Tavenner, Trustee, and not individually but solely in her capacity as the Chapter 7 trustee (the “**Trustee**,” together with Mr. LeClair, the “**Parties**”) reconvened settlement discussions to evaluate how to proceed in light of this Court’s Memorandum Order.

2. A copy of Mr. LeClair’s proposed revised settlement agreement (the “**Revised Agreement**”) is attached hereto as **Exhibit A**.

3. Mr. LeClair respectfully submits that the Revised Agreement is in compliance with Section II of this Court's Memorandum Order (ECF No. 30).

4. As set forth in Paragraph 7 of the Revised Agreement, the Parties will proceed with the appeal, Case No. 23-1131, (the "**Appeal**") currently pending before the Court of Appeals for the Fourth Circuit (the "**Fourth Circuit**").

5. On August 15, 2023, the Parties filed a Joint Status Report with the Fourth Circuit stating the Appeal shall go forward. *See* Appeal, Dkt. No. 27-1. The Parties did, however, request the Fourth Circuit continue to hold the Appeal in abeyance for an additional fourteen (14) days pending entry of a final order on the present settlement.

6. Mr. LeClair respectfully submits the Court's Memorandum Order withdrawing the reference does not implicate the pending remand to the Bankruptcy Court to amend its earlier order regarding the ESH List, ECF No. 21, 22 (the "**Remand**"). As stated in the Memorandum Order, the Court withdrew the reference "regarding any claims of Gary LeClair in the proposed settlement, and any other claims captured in the settlement agreement at issue, and recovers jurisdiction over such claims." ECF No. 30, at 5. The Remand is not a claim in, or captured by, the Revised Settlement. Accordingly, Mr. LeClair does not believe that this Court's withdrawal of the reference impacts the Remand.¹

7. Finally, Mr. LeClair and the undersigned counsel will be present at the August 29, 2023 hearing in this matter.

WHEREFORE Gary D. LeClair respectfully requests that this Court approve the revised settlement agreement attached as **Exhibit A** and for such other relief as is just and proper.

¹ To the extent the Court intended to withdraw the reference with respect to the Remand, this Court may refer this matter back to the Bankruptcy Court, pursuant to 28 U.S.C. § 157(c)(2), for the limited purpose of carrying out the instructions set forth in the Remand.

Respectfully submitted this 24th day of August, 2023.

GARY D. LECLAIR

By: /s/ Andrew M. Bowman
Of Counsel

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CERTIFICATE OF SERVICE

I certify that on August 24, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of the filing to all counsel of record.

/s/ Andrew M. Bowman